

U.S. Patent Application No. 09/875,289

Docket No.: 10004466-2

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested. Entry of this response is merited as it raises no new issues and requires no further search.

Claims 1-30 remain pending. The Examiner's rejection of claims 1-30 under 35 U.S.C. §102 as being anticipated by Houtz is hereby traversed.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. The Houtz reference ("AIX for Breakfast" by Phillip Houtz) fails to anticipate claim 1 as Houtz fails to include all elements of claim 1.

First, nowhere in Houtz is there any mention of kernel tunables or an equivalent concept. Specifically, Houtz fails to disclose updating tunables used in a kernel as claimed in claim 1, i.e., "updating a system file including tunables," "updating a persistent storage mechanism including tunables," and "changing a tunable value in the kernel." The Examiner is referred to the instant specification at page 2, lines 10-25, for a brief discussion of the term "tunables." Houtz fails to disclose kernel tunables and the reference should be withdrawn.

At most, Houtz describes dynamically binding services to an operating system kernel without requiring a reboot. "As a result, AIX 3 can unbind a service and/or bind a new or newly configured version of a service." Houtz at paragraph 6. Services added dynamically to a kernel are not the same as tunables in the kernel. Houtz describes adding services available to a kernel and not updating tunables in the kernel.

Second, nowhere does Houtz disclose a single administrator request causing the update of a system file including tunables. Houtz at paragraphs 2-4 describes the addition of services to the kernel but not the update of system tunables, i.e., "'bind' the new service(s) into the 'kernel' of the operating system." Houtz at paragraph 4.

Third, Houtz fails to disclose simultaneously updating a persistent storage mechanism including tunables in response to the single administrator request. Houtz at paragraph 10 describes the addition of a service to the kernel and not the update of a system file with a new tunable value. No system file tunable value is updated in Houtz.

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Further, Houtz fails to disclose tunable values updated in persistent storage and in a system file in response to an administrator request. Houtz only describes the editing of files and linkages to add services to an operating system.

For each of the above reasons, claim 1 is patentable over Houtz and the rejection should be withdrawn.

Claims 2-11 depend from claim 1, include further important limitations, and are patentable over Houtz for at least the reasons advanced above with respect to claim 1. Withdrawal of the rejection of claims 2-11 is in order.

With respect to claim 12, Houtz fails to disclose kernel tunable settings as described above with respect to claim 1, and further, Houtz fails to disclose updating a persistent storage mechanism using tunable settings as claimed in claim 12. As described above, paragraphs 2-4 of Houtz disclose binding services and not manipulating kernel tunables. The statement that "Houtz teaches that the tunable value in the kernel is changed on a per-service basis without recompiling the entire kernel. Thus, each tunable can be made changed dynamically without needing any centralized interface changes" is incorrect as Houtz only discloses kernel service bindings. Further, Houtz discloses a centralized interface for manipulating service bindings in the form of the SMIT. Houtz at paragraph 2. For at least this reason, claim 12 is patentable over Houtz and the rejection should be withdrawn.

Claim 13 depends from claim 12, includes further important limitations, and is patentable over Houtz for at least the reasons advanced above with respect to claim 12. The rejection of claim 13 should be withdrawn.

With respect to claim 14, Houtz fails to disclose kernel tunable settings as described above with respect to claim 1, and further, Houtz fails to disclose a handler function interface. Houtz at paragraph 6 discloses service binding operations and not kernel tunables. The Examiner has failed to identify where in paragraph 6 Houtz discloses the asserted handler function interface. As no such interface exists, and for the reasons advanced above, the rejection of claim 14 should be withdrawn.

Claim 15 depends from claim 14, includes further important limitations, and is patentable over Houtz for at least the reasons advanced above with respect to claim 14. The rejection of claim 15 should be withdrawn.

Claims 16, 18, and 20 are patentable over Houtz for reasons similar to those advanced

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above with respect to claim 1 and the rejection should be withdrawn.

Claims 17, 19, and 21 are patentable over Houtz for reasons similar to those advanced above with respect to claim 12 and the rejection should be withdrawn.

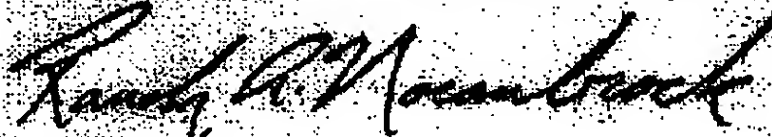
Claims 22-30 depend, either directly or indirectly, from claim 1 and include further important limitations. Claims 22-30 are patentable over Houtz for at least the reasons advanced above with respect to claim 1 and the rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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